

~~PL as add new claims 38-39 as follows:~~

~~38. (New) The method of claim 7 wherein said sending comprises Extensible Markup Language (XML) schema.~~

~~39. (New) The computer-based method of claim 23 wherein at least one of said transmitting steps comprises Extensible Markup Language (XML) schema.~~

REMARKS

The June 4, 2002 Office Action rejected all claims pending in the application, namely claims 1-37. In addition to the telephonic interview with Examiner Backer on July 30, 2002, this Amendment and Response addresses the Examiner's rejections, clarifies claims 1, 7, 15, 23 and 33, provides a brief summary of the July 30, 2002 interview, clarifies the specification, and presents new claims 38-39 for the Examiner's consideration. The final page of this Response entitled "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**" is a marked-up version of the changes made. In view of the foregoing remarks, reconsideration of the application is respectfully requested.

Telephone Interview

A telephonic interview was held on July 30, 2002 between Examiner Backer and Applicant's Attorney to discuss the Section 102(b) rejections. Applicant explained during the interview that the cited reference, Noblett, Jr. et al., fails to teach each and every element of Applicant's independent claims. In particular, Noblett discloses a *pre-transactional* system including a transactional terminal and signature capturing printer which, when used by a merchant, guarantees the merchant from a post-transactional chargeback. Chargebacks occur after a transaction, or in other words, are post-transactional events. Thus,

the systems disclosed in Noblett teach *preventing and guaranteeing against chargebacks or against post-transactional disputes*. Noblett does not contemplate "facilitating handling of a post-transactional dispute" because there would be no *post-transactional* disputes using the Noblett system. In other words, the system disclosed in Noblett does not include any hardware or software to handle post-transactional disputes because, in the Noblett system, chargebacks are prevented and guaranteed against, so Noblett does not teach, disclose or suggest any procedures or functions related to the handling of post-transactional disputes. Moreover, the functionality of the present invention would literally destroy the functionality of the Noblett system.

During the interview, Examiner Backer agreed that Noblett discloses a *pre-transactional* system or a system for use *before or during the time of purchase*, and in fact, Noblett generally does not disclose "handling a *post-transactional* dispute." Nonetheless, the Examiner suggested that Applicant amend the independent claims to further clarify the features of the present invention. Examiner Backer did, however, agree that claim 15, and claims 16-22 which depend from 15, appear to include allowable subject matter as originally submitted.

In the Specification:

Applicant submits herewith an amendment to the specification to further clarify one aspect of the invention. In particular, an additional paragraph is submitted to clarify Applicant's original specification regarding the transmission of supporting documentation outside the infrastructure as recited on page 32 of the

specification. Applicant submits that no new matter is being added, but rather, the originally filed subject matter is now clarified.

In the Claims:

Section 112 Rejection

Claims 1-6 stand rejected under 35 U.S.C 112, second paragraph, as being indefinite. In particular, the Examiner states that there is insufficient antecedent basis for "*the handling* of a transactional dispute" in the preamble of claim 1. Applicant amends claim 1 to delete "the" in the preamble of claim (as well as claim 33), and respectfully requests that the Examiner withdraw the Section 112 rejection with respect to claim 1 and claims 2-6, which depend from claim 1.

Section 102(b) Rejection

Noblett, Jr. et al. Reference

Claims 1-37 stand rejected under 35 U.S.C 102(b) as being anticipated by Noblett, Jr. et al., U.S. Patent No. 5,432,326, issued July 11, 1995 ("Noblett"). Applicant respectfully traverses these rejections and provides the following arguments in support.

In general, Noblett discloses a system for operating a data card terminal for providing chargeback protection services for the benefit of the merchant. In particular, Noblett *discloses a data card transaction terminal having a signature capturing printer* and a system using the same. Merchants using the terminal with the signature capturing printer are guaranteed that the transaction is chargeback-protected. (Noblett Abstract; Summary of the Invention (see e.g.,

col. 14) In other words, Noblett discloses a pre-transactional system that when used by a merchant to carry-out a data card transaction (i.e., using the terminal and capturing the purchaser's signature during the time of purchase), the merchant is guaranteed that the transaction will not be charged-back to them. The system disclosed in Noblett does not include any hardware or software to handle post-transactional disputes because, in the Noblett system, chargebacks are prevented and guaranteed against, so Noblett does not teach, disclose or suggest any procedures or functions related to the handling of post-transactional disputes. Moreover, the functionality of the present invention would literally destroy the functionality of the Noblett system.

In contrast, Applicant's independent claims 1, 7, 15, 23 and 33 recite "handling of a post-transactional dispute" or a dispute which arises after the time of purchase. Noblett fails to teach, suggest or disclose "handling of a post-transactional dispute" as claimed by Applicant because it is not the intention of Noblett to ever have a post-transactional dispute. Rather, Noblett discloses a system which *prevents and guarantees against any chargebacks*, e.g., *post-transactional disputes*. (See e.g., column 10, lines 22-57, "The method relates to guaranteeing a financial transaction conducted by a cardholder using a data card against chargebacks of the transaction to a merchant participating in the transaction. At the terminal, and in response to the presentation of a data card by a cardholder in connection with a proposed transaction...[describes preventive steps]...Finally, the method comprises the step of processing the

transaction so that the merchant is not charged back for the transaction."

[emphasis added]

In light of the foregoing, Applicant respectfully submits that Noblett fails to teach each and every element of Applicant's invention as claimed. In particular, Noblett fails to disclose "post-transactional" as recited in Applicant's independent claims.

In addition to the foregoing, Applicant's claims 1-6 further recite "a plurality of dispute handling forms retrieved from said [central] server and said [Internet] web site." The Examiner cites Noblett's Figure 2 as supporting this limitation. Applicant respectfully disagrees with the Examiner. Neither Noblett's Figure 2, nor the description thereof, teach, suggest or disclose a server and a web site having dispute handling forms retrieved therefrom. Applicant respectfully submits that Noblett fails to disclose each and every element of Applicant's claim 1, and in particular, Noblett fails to disclose "handling a post-transactional dispute" and "dispute handling forms retrieved from said server and said web site." Applicant respectfully requests the withdrawal of the Section 102(b) rejection with respect to claim 1 and claims 2-6 which depend from claim 1.

With respect to claims 7-14, Applicant's independent claim 7 further recites "accessing an Internet web site...said web site linked to a server comprising a plurality of dispute handling forms thereon; choosing one of said...forms; and responding to the requested field information." The Examiner cites Noblett's Figures 10 and 15, as well as column 4 lines 24-55 for supporting these limitations. Applicant respectfully disagrees with the Examiner. The cited

Noblett Figures show an embossed card reader for the data card terminal and a flow chart for recognizing the embossed characters on the data card. The cited passage from Noblett's column 4 is from the "Background of the Invention" and generally describes "chargebacks" and "disputes regarding transaction procedures." Applicant submits that the cited Noblett Figures and passages, as well as the remaining Noblett disclosure, fail to teach each and every element of Applicant's claim 7 and respectfully requests the withdrawal of the Section 102(b) rejection with respect to claim 7 and claims 8-14 which depend from claim 7.

With respect to claims 15-22, during the July 30, 2002 phone interview, Examiner Backer agreed that claim 15 appears to include allowable subject matter. Submitted herewith is an amendment to claim 15 to further clarify the claim as discussed with the Examiner during the phone interview. Applicant respectfully requests the withdrawal of the Section 102(b) rejection with respect to claim 15 and claims 16-22 which depend from claim 15.

With respect to claims 23-37, the Examiner did not provide specific points of rejection, but rather stated that these claims are rejected by the same rationale as claims 1-15. Applicant respectfully submits that Noblett fails to teach each and every element of independent claims 23, and in particular, Noblett fails to disclose "an Internet routing system for post-transactional dispute forms," as well as the steps further recited in claim 23. In addition, Noblett fails to disclose "An Internet-based processing system for gathering and routing data for facilitating handling of a post-transactional credit dispute," as well as the elements recited in

claim 33. Applicant respectfully requests the withdrawal of the Section 102(b) rejections with respect to claim 23-37.

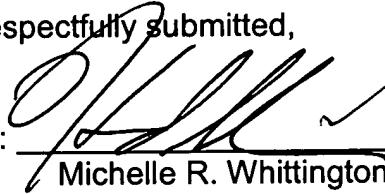
New Claims

Applicant provides herewith new claims 38-39 for the Examiner's consideration. The new claims being supported by the originally filed specification as well as the above amendment to specification presented for the Examiner's consideration. Applicant respectfully submits that no new matter is being added by the amendments or new claims, but rather, the originally filed specification is being clarified as stated above.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that all of the pending claims, namely 1-37, and newly presented claims 38-39, fully comply with 35 U.S.C §112 and are allowable over the art of record. Applicant further submits that no new matter is being added. Reconsideration of the application is respectfully requested. Should the Examiner wish to discuss any of the above in greater detail or deem that further amendments should be made to improve the form of the claims, then the Examiner is invited to contact the undersigned at the Examiner's convenience.

Date: 10/3/02

Respectfully submitted,
By: 
Michelle R. Whittington
Reg. No. 43,844

SNELL & WILMER, L.L.P.
400 East Van Buren
Phoenix, AZ 85004-2202
Direct: (602) 382-6275
Email: mwhittington@swlaw.com

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Specification:

New paragraph after the last paragraph on page 32 line 23 and before the first paragraph on page 33 line 1 has been added.

In the Claims:

Claims 1, 7, 15, 23 and 33 have been amended as follows:

1. (Amended) A system for facilitating [the] handling of a post-transactional dispute comprising:
 - at least one access terminal having a display and an input means;
 - a central server having an Internet web site stored thereon, said display capable of displaying a plurality of dispute handling forms retrieved from said server and said web site;
 - a communication channel linking said terminal to said web site and said server to said web site; and
 - a scanner coupled to said terminal, said scanner able to transform an image into computer readable format for transmission across said communication channel.
7. (Amended) A method for handling a post-transactional dispute between an Issuer and an Acquirer via an Internet connection to which are coupled at least one access terminal, the method comprising the steps of:
 - (a) accessing an Internet web site from said terminal, said web site linked to a server comprising a plurality of dispute handling forms stored thereon;
 - (b) choosing one of said dispute handling forms;
 - (c) responding to the requested field information on said form;
 - (d) sending said form over said Internet connection to be routed by said server to a disputed party; and
 - (e) repeating steps (a)-(d) for both the Issuer and the Acquirer.

15. (Amended) A method executed in a network computer system for facilitating handling of post-transactional disputes, the network computer system having a server and at least one access terminal, the method comprising the steps of:

- (a) accepting at said server a User ID and password from a first user at a first access terminal;
- (b) retrieving from said server a set of dispute handling forms which coincide with said User ID;
- (c) displaying said set of first user forms at said first access terminal;
- (d) receiving input entered on one of said first user forms at said first access terminal;
- (e) transmitting within said network said one of said first user forms to a second user in dispute with said first user;
- (f) notifying said second user at a second access terminal of said one of said first user forms;
- (g) accepting at said server a User ID and password from said second user at said second access terminal;
- (h) retrieving from said server a set of dispute handling forms which coincide with said second user User ID;
- (i) displaying said set of second user forms at said second access terminal;
- (j) receiving input entered on one of said second user forms at said second access terminal;
- (k) transmitting within said network said one of said second user forms to said first user;
- (l) notifying said first user at said first access terminal of said one of said second user forms; and
- (m) repeating steps (a)-(l) until all needed dispute handling forms have been transmitted.

23. (Amended) A computer-based method providing an Internet routing system for post-transactional dispute forms comprising the steps of:

at a first end-user site,

- (a) prompting an end-user for a User ID and password;
- (b) displaying a set of dispute handling forms in response to receiving said User ID;
- (c) collecting dispute-related data on said forms;
- (d) transmitting said dispute-related data on said forms to a central site for processing;

at said central site,

- (e) receiving said dispute-related data on said forms;
- (f) indexing said forms by said dispute-related data;
- (g) transmitting said forms to a second end-user site; and
- (h) making said forms available at said second end-user site for viewing and downloading.

33. (Amended) An Internet-based processing system for gathering and routing data for facilitating [the] handling of a post-transactional credit dispute between credit Issuers and Acquirers, the system comprising:

a central server having Internet capabilities and a computer program stored thereon, wherein said program comprises a plurality of data entry fields with respect to said dispute;

at least two end-user terminals having a display device, an input device and Internet capabilities, one of said end-user terminals for an Issuer and a second end-user terminal for an Acquirer;

an Internet web site coupled via a communication link to said server and accessible by said end-user terminals, said terminals capable of viewing said plurality of data entry fields;

an index system which categorizes at least one of said data entry fields within said central server; and

a document scanning device coupled to at least one of said end-user terminals for transforming paper images into computer readable format.

New claims 38-39 have been added.